

**RESPONSE TO RESTRICTION
REQUIREMENT**

Application #	10/657,703
Confirmation #	6086
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First Inventor	PEBAY et al..
Art Unit	1647
Examiner	Gamett, Daniel C.
Docket #	P08048US00/BAS

Commissioner for Patents
P.O. Box 1450
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S I R:

In response to the Restriction Requirement dated March 8, 2005, Applicants herein traverse the Restriction Requirement in part for the reasons as set forth below.

Applicants submit that Groups I and III both should be considered as directed to the same invention and both have the same inventive feature, and thus should be examined in one application. In particular, both sets of claims are drawn to methods of modulating spontaneous differentiation of a stem cell in the presence of an agonist of an LPL receptor and have the same technical feature, namely the use of the LPL receptor agonist. Contrary to the Examiner's argument, these groups of claims are not unrelated, and indeed involve virtually the same steps and include the same technical features. Further, even the Examiner notes that these two sets of claims would be searched in exactly the same subclass, namely Class 435, subclass 377, thus further evidencing the relatedness of the two sets of claims. Accordingly, restriction of Groups I and III on the basis that they are unrelated is improper.

Secondly, pursuant to MPEP § 803, "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." In this case,

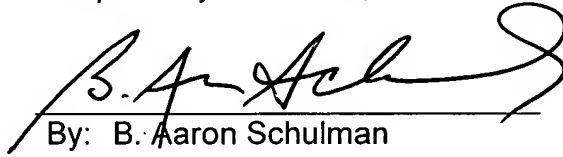
the Examiner has conceded that Groups I and III have the same subclass, namely Class 435, subclass 377. Clearly, since these sets of claims are not only related and have the same technical feature, they are both located in the same subclass, namely Class 435, subclass 377. Accordingly, there will clearly be no serious burden to examine both Groups I and III, an indeed such a search will not involve any additional subclasses. The restriction between Groups I and III is thus improper under MPEP §803 as well.

In short, Applicants submit that the Restriction between Groups I and III is improper, and that these groups should be examined at the same time in the present application. Accordingly, examination and allowance of Groups I and III is thus respectfully requested.

Solely for the purposes of completing the present response, and without prejudice to the foregoing arguments, Applicants provisionally elect Group III, Claims 3, 65, 81 and 95.

Respectfully submitted,

Date: 08 August 2005


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